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Summary of Stakeholders' submissions on Czechia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review (UPR). It is a summary of 15 stakeholders' submissions[1] to the UPR, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. Amnesty International (AI) recommended ratification of the Optional Protocol to Covenant on Economic, Social and Cultural Rights.[3]

3. Joint Submission 1 (JS1), Joint Submission 5 (JS5) and Joint Submission 6 (JS6) recommended ratification of the Optional Protocol to Convention on Rights of Persons with Disabilities[4], consistent with the commitment to do so by the 2017 UPR and the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2015–2020.[5]

4. Joint Submission 3 (JS3) recommended adhering to the non-penalization clause in article 31 of the 1951 Convention relating to the Status of Refugees.[6]

5. Council of Europe (CoE) recommended pursuing efforts towards ratification of Istanbul Convention after its signature with a reservation.[7]

* The present document was not edited before being sent to United Nations translation services.

6. JS6 noted that the government has declined requesting technical assistance and/or country visits by the Special Rapporteur on Right to Education and the Independent Expert on Minority Issues, as had been recommended at the UPR.[9]

7. CoE noted that the Council of Europe Convention on Action against Trafficking in Human Beings was signed but not yet ratified.[9]

B. National human rights framework[10]

8. Recalling previous recommendations[11], JS1 and JS5 reiterated that the protection of victims of discrimination should be strengthened by allowing the filing of *actio popularis*.[12] European Roma Rights Centre (ERRC) and JS6 noted that, contrary to a Council of the European Union Directive, the Act on Equal Treatment and on Legal Means of Protection against Discrimination does not allow for *actio popularis*[13,14]

9. European Union Agency for Fundamental Rights (EU-FRA) considered important the approval of the Action Plan for Prevention of Domestic and Gender-Based Violence 2015–2018, which defines a new set of cross-sectional priorities, including looking at the special position of persons with disabilities, persons at risk of social exclusion, seniors, homeless, Roma, migrants, and others facing multiple discrimination.[15]

10. EU-FRA noted that the National Plan to Support Equal Opportunities for Persons with Disabilities 2015–2020 sets out measures to implement the Convention on the Rights of Persons with Disabilities across a range of policy areas, including equality and non-discrimination, awareness-raising, accessibility, access to justice and independent living.[16]

11. Public Defender of Rights currently does not have the status of an accredited National Human Rights Institution (NHRI) in accordance with the Paris Principles[17] and according to the Public Defender of Rights full implementation of NHRI duties would require appropriate amendments to the Public Defender of Rights Act, which are however not realistic in light of the fate of previous legislative amendments.[18] CoE-European Commission against Racism and Intolerance (CoE-ECRI) recommended that the Law on the Public Defender of Rights be amended so as to prevent conflicts between the Public Defender and his/her deputy.[19] Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) recommended expanding powers of the Public Defender of Rights, in particular as regards the possibility of conducting its own investigations and initiating court proceedings.[20] CoE-ECRI highlighted that the Public Defender of Rights does not possess necessary powers and responsibilities to combat racial discrimination effectively.[21] According to EU-FRA and JS6, proposals to appoint the Public Defender of Rights as national body to promote, protect and monitor the implementation of the Convention on Rights of Persons with Disabilities, also granting legal standing in *actio popularis* proceedings[22] were abandoned in 2014.[23]

12. JS1 noted that, despite Czechia's commitment during the previous UPR cycle to establish a Children Ombudsman[24], the role has not been created.[25]

13. Public Defender of Rights repeatedly criticised the absence of an independent body with competence for regular supervision of facilities for detention of foreigners.[26]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[17]

14. Citing commitments made at the previous UPR to further develop measures aimed at combating discrimination[18], AI remained concerned at the enforcement of legislation, in particular regarding discrimination against Roma.[19]

15. CoE-ECRI recommended to revise the Criminal Code to include offences of incitement to violence and discrimination; public insults of racist nature; public expression, with racist aim, of an ideology which claims superiority of, or which depreciates or denigrates, a group of persons; and racial discrimination in the exercise of public office or occupation. The grounds of colour and language should also be included,[20] as well as sexual orientation and gender identity.[21]

16. According to Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE-ODIHR), hate crimes were recorded by police disaggregated by bias motivation, however hate crimes are not reported separately from hate speech and/or discrimination.[22]

17. CoE-ECRI indicated that Roma and immigrants are most common targets of hate speech and Muslims have recently become victims of increased Islamophobia.[23] Criminal action is ruled out easily and hate speech provisions are rarely applied.[24] According to CoE-ACFC, rallies and marches on Roma housing estates, organised by extreme right-wing political organisations often end in violent clashes with the police.[25] The CoE-Commissioner for Human Rights (CoE-Commissioner) noted with concern that Roma continue to be main victims of racially motivated violence.[26] He also considered that widespread discrimination and violence against Roma require overarching efforts to promote tolerance and anti-discriminatory attitudes throughout the majority population and stressed the essential role by political and opinion leaders in promoting respect for human rights and social cohesion.[27] Similarly, AI was concerned at the lack of prevention of racially-motivated violence and harassment targeting Roma communities throughout the country and cited protests and incidents.[28] It recommended condemning hate crimes when they occur making clear they will not be tolerated and that victims are provided with thorough and prompt information regarding the status of their case, and that they are able to be heard in legal proceedings, including the investigation phase, and provided with legal or psychological support.[29]

18. Public Defender of Rights cited own research that 11% of survey respondents had faced discrimination in the previous five years and have not lodged a complaint. She has so far recommended unsuccessfully a legislative amendment to decrease court fees in discrimination cases or transfer the burden of proof for all victims of discrimination.[30]

19. CoE-ECRI recommended putting in place a single mechanism for collecting disaggregated data on hate crime, including hate speech, recording specific bias motivation, and making data available to the public.[31]

20. Public Defender of Rights considered inappropriate that transgender people wishing to officially change their gender, have to undergo an operation, involving sterilisation.[32]

2. Civil and Political Rights

Right to life, liberty and security of person[43]

21. JS5 noted that Czechia still doesn't have in its criminal law adequate provisions that criminalize torture and other forms of ill-treatment, with the existing definition of the crime failing to provide definition of the elements of torture.[44]

22. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) reiterated its recommendation that detained persons should benefit from free legal aid from the beginning of their deprivation of liberty by police.[45] CoE-CPT expressed serious misgivings about subjecting persons deprived of their liberty to strip-search.[46]

23. CoE-CPT reiterated its serious misgivings about the use of net-beds, in particular as regards the excessive duration of placement of certain patients therein, as well as their use as "ordinary" hospital beds.[47] JS5 noted that persons with disabilities, including elderly are subjected to torture or ill treatment including placement in netted cage beds, belts, medication or seclusion, and are often subjected to multiple concurrent restrictive practices[48], with legislation regarding the use of restraints being vague.[49]

24. Czech Helsinki Committee (CHC) noted that Czechia has not yet abolished the option of performing surgical castration on persons who have been convicted of committing less serious sexual crimes, even after repeated criticism from the Committee against Torture and CoE-CPT.[50] CoE-CPT urged the Czech authorities to put a definitive end to the use of surgical castration of sex offenders and to amend relevant legal provisions accordingly.[51]

25. According to the Public Defender of Rights, the draft substantive intent of the Act on indemnification of persons unlawfully sterilised was rejected.[52] CHC recommended that, without delay, measures be adopted leading to the appointment of an independent, reliable commission of experts and it be tasked with compensating appropriately victims of forced sterilization.[53] Recalling recommendation 94.80[54], CHC reported that the analysis by the Justice Ministry of the options for extending the three-year statute of limitations is primarily based on arguments that do not admit the possibility of extending this limit.[55] The CoE-Commissioner deplored the lack of an effective domestic mechanism enabling victims to seek and obtain compensation for the harm they suffered and reiterated his recommendation to establish an extra-judicial mechanism for compensating Roma women victims of forced sterilisations.[56] ERRC noted that significant barriers to access justice persist for victims of coercive sterilisation, the primary challenge to victims bringing civil claims for damages being the three-year statute of limitation, dating from the moment of acknowledging the sterilisation occurred.[57] ERRC indicated that the 2009 Act on Equal Treatment and on Legal Means of Protection against Discrimination does not allow for *actio popularis* that would have permitted lodging complaints with higher numbers of victims or with unknown victims of involuntary sterilisation.[58] It recommended ensuring that the three-year statute of limitation, dating from the moment of sterilisation, will not prevent victims from bringing civil claims for damages and all victims of involuntary sterilisation are provided with free legal aid and all potential litigation costs are covered.[59]

26. The Global Initiative to End All Corporal Punishment of Children noted that in the second UPR cycle, the Government had rejected recommendations to explicitly prohibit the use of corporal punishment of children[60] and that the new Civil Code does not fully prohibit it in the home, all forms of alternative care settings and penal institutions.[61]

27. The Public Defender of Rights repeatedly pointed out that the living conditions of children accommodated together with their parents detained at Bělá-Jezová (Facility for Detention of Foreigners) constitutes infringement of fundamental rights of the child and amount to ill-treatment.[62]

28. CoE-Commissioner, CoE-ECRI and CoE-SOTC urged the authorities to remove the pig farm built in the 1970s on the former concentration camp of Lety, where many Roma were killed during World War II, and to consider measures to honour those who died.[63]

Administration of justice, including impunity and the rule of law[64]

29. The Public Defender of Rights noted that the prison population rate was one of the highest among European countries.[65]

30. CHR recommended that the obligation of persons in custody to pay costs associated with their detention be abolished, that such payment be required only of persons who achieve a certain level of employment-based income so that their existing obligations can be paid off during imprisonment.[66]

31. CoE-CPT expressed serious concern that, due to the obligation to pay a "regulatory fee" for medical consultations, a number of indigent prisoners were denied medical treatment other than emergency care" and that prison officers continued to be routinely present during medical examinations.[67]

32. CHR recommended that the conditions be improved for children and family members of convicts by building dignified visiting spaces inside prisons adequately-equipped depending on children's ages and needs.[68]

33. JS1 underlined that notwithstanding promotion of participation of children being one of the goals of the National Strategy to Protect Children's Rights 2012 -2020, in many cases children are excluded from court hearings and other proceedings concerning them, despite the Civil Code explicitly obliging courts and other authorities to hear a child who is mature to formulate and communicate an opinion.[69] JS1 noted that child friendly justice measures are not adequately implemented, there are no specialised family law courts and professionals dealing with children are not trained to communicate with children, particularly children with disabilities.[70]

34. The Committee of Experts on the European Charter for Regional or Minority Languages (CoE - Committee of Experts) strongly urged the authorities to remove from legislation the condition that a person must declare not to have a command of Czech before they can use a minority language in criminal proceedings and before documents connected to criminal proceedings are produced in minority languages.[71]

35. The CoE-Group of States against Corruption (CoE-GRECO) concluded that there is a clear need to amend the regulation on recruitment and career advancement of judges, in particular to ensure that decisions are based on pre-established objective criteria, notably merit.[72]

Fundamental freedoms and the right to participate in public and political life[73]

36. ECNL-IRL noted that in February 2016, participants in an anti-Islam demonstration attacked reporters and cameramen, damaged their equipment and disconnected them from the power source. The journalists turned to police officers present at the scene for help, who allegedly refused to help, saying it was the journalists' fault and the result of them having lied in their reports.[74]

37. OSCE/ODIHR noted that the January 2013 elections were the first election in which the president was elected through a popular vote.[75] OSCE/ODIHR recommended reviewing the legal framework for candidate registration as indicated by the Constitutional Court, particularly with regard to verification of signatures. It also recommended introducing standard procedures on compilation and upd ta of voter lists to avoid inconsistencies or multiple entries, amending the law regarding campaign financing introducing control and oversight mechanisms, as well as sanctions, introducing a specific judicial review of

decisions of administrative bodies governing the election process and a judicial remedy during the election campaign clear and short timeframes for review.[77]

38. CoE-GRECO called for increasing transparency of the legislative process. The rules on parliamentarians' asset declarations needed further amendment. It also recommended the adoption of codes of conduct by Parliament, judiciary and prosecution service on conflicts of interest and related matters and which are complemented by practical measures such as dedicated training, counseling and awareness-raising.[78]

39. CoE-ECRI recommended that the Council for Radio and Television Broadcasting be encouraged to take firm action in all cases of incitement to hatred and impose appropriate fines to punish, and act as deterrent against, dissemination of racist and intolerant expression.[79]

Right to privacy and family life

40. JS5 noted that specific provisions in the new Civil Code provide for a possibility to restrict legal capacity in specific matters, including the right to marry, parental rights, right to vote, entering into labour contracts, requests for social benefits, informed consent in health care issues, testamentary wills.[80]

41. EU-FRA noted that specific laws stipulate that the intelligence service does not have to inform persons whose rights they interfere with, nor do they have to provide access to the data.[81]

42. ADF International reported that a 2016 Constitutional Court decision struck down a law which prohibited sole adoption by an individual in a registered partnership, and the government subsequently pledged amending the law to allow step-parent adoption of a partner's biological child.[82]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[83]

43. The Public Defender of Rights noted that Czechia shows one of the widest gender pay gaps in Europe (22%), with pay transparency being inadequate both in private and public sectors.[84] She also reported the common practice of terminating employment of women after the end of their parental leave.[85]

44. EU-FRA noted that young people with migrant backgrounds were shown to be in particular danger of remaining at margins of the labour market and that high levels of inactivity among Roma youth needed to be addressed. Moreover, the rate of employment of older men and women to foster social inclusion needed to be increased, particularly the unemployment among older women needed to be addressed.[86]

45. CoE-ECRI reported that according to a study, three out of four Roma looking for work in the last five years reported experiencing discrimination and 41% said that they have experienced such treatment at work by their employers or colleagues.[87] EU-FRA noted that the share of Roma not in work or education or further training is six times higher than the general population.[88]

Right to an adequate standard of living[89]

46. JS1 expressed concern that there is no legislation around social housing and that a law has been under negotiation for 20 years[90] and recommended that such legislation should ensure access to social housing for families most in need, including families at risk of separation.[91] According to the Public Defender of Rights, the Social Housing Act cannot be

expected to improve the situation of Roma since the municipalities' duty to provide social housing has been omitted in the corresponding bill.[92]

47. EU-FRA noted that Czechia has made little improvement in areas of education and housing, particularly regarding housing segregation and eviction from town centres.[93] ERRC cited the Strategy for combating social exclusion (2011-15) according to which almost one third of the overall Roma population lives in a socially excluded environment.[94] It recommended that Czechia adopt adequate social housing policies with clear measures preventing any future segregation and that it test the use of socially-innovative measures, specifically housing-led approaches, and social rent agencies, as well as introduce eligibility criteria that could be met by vulnerable Roma.[95] CoE-ECRI urged to develop and put in place, as a matter of high priority, a coherent system of social housing, take steps to prevent the creation of new areas of segregated housing and reduce the number of existing segregated areas.[96] It underlined that the practice of subsidising exorbitant rent for sub-standard accommodation in hostels and dormitories for Roma should be stopped.[97]

48. The Public Defender of Rights reported that Roma people have practically no access to housing on the free residential market.[98]

Right to health[99]

49. With reference to UPR recommendation 94.94[100], CHC recommended that women and girls of all age categories and especially women and girls living with mental or psychological disorders or women and girls of Romani origin receive accessible forms of information about reproductive rights.[101]

50. EU-FRA noted that a considerable number of Roma, 42% of survey respondents, feel that pollution, grime and other environmental problems – such as smoke, dust and unpleasant smells or polluted water - are a problem.[102]

51. The European Committee on Social Rights noted that measures adopted do not sufficiently ensure health care for poor or socially vulnerable persons who become sick, such as Roma who have lost health insurance.[103] Joint Submission 2 (JS2) noted that certain groups of migrants are not covered by the public health insurance system and are bound by law to rely on costly private health insurance not covering all necessary health care.[104]

Right to education[105]

52. Regarding discrimination of Romani children in access to education, AI recommended that Czechia adopt a working definition of unlawful discrimination, in line with the grounds identified in national and international law, including ethnicity and segregation at schools.[106]

53. EU-FRA reported that Czechia introduced changes to its Education Act providing a number of support measures, including an obligatory pre-school year and a guarantee of kindergarten places for all three-year-old children.[107] AI added that the amendment introduced a compulsory last year of pre-school (either in kindergarten or in private care) free of charge and it should address the problem of delays in the start of compulsory schooling of Romani children who were not in pre-school and were assessed as "not ready" by counselling centres and placed into preparatory classes that were effectively segregated and Roma-only.[108] JS6 recommended that the Ministry of Education's failure to present a detailed plan for how schools will adapt to the mandatory pre-school education measure, and how parents will be made aware of their rights, must be rectified.[109] JS1 and the Public Defender of Rights welcomed the amendment to the School Act, recognising primacy of inclusive education over special education.[110] JS1 - referring to previous UPR recommendations[111] - expressed concerns about the implementation of the amendment, in part because the budget allocated to education reform is insufficient. It encouraged the

government to promote inclusive education more broadly by closing all special schools, ensuring all children are included in mainstream schools and explicitly forbidding, by law, any form of segregated education.[112]

54. EU-FRA and similarly CoE-Commissioner, JS6 and ERRC reported that in 2014, the European Commission pursued infringement proceedings against Czechia with respect to the Race Equality Directive, alleging discrimination against Roma children in educational legislation and practice because of disproportionately high numbers of Roma children systematically misdiagnosed as mentally disabled and placed into special schools for children with learning difficulties.[113] Despite continuous efforts by civil society organizations over the past decade to promote effective implementation of the *D.H. and others v. Czech Republic* judgment by the European Court of Human Rights, little has changed for Roma pupils in the educational sphere, and systematic discrimination against and segregation of Roma children persists.[114]

55. EU-FRA's Roma survey shows that as many as 23% of surveyed Roma children up to the age of 15 attend special school and classes that are mainly for Roma.[115] Citing figures of the Ministry of Education for the academic year 2016/2017 that Roma pupils account for 3.7% of pupils at all elementary schools while they make up 30.9% of all pupils being taught according to curricula for children with mild mental disabilities, ERRC noted that this is showing that approximately every fourth Roma pupil is educated in segregated settings.[116] Similarly, as recent data (2016) from the Ministry of Education shows, JS6 noted that a disproportionate number of Roma children are still diagnosed with mild mental disability.[117]

56. AI and similarly JS6 noted that in September 2016, the amended Schools Act entered into force abolishing separate educational programme for pupils with mild mental disabilities and introduced a set of support measures to facilitate the education of children with special needs in mainstream schools.[118]

57. ERRC recommended taking steps to completely disassemble the special education system and ensure realisation of the right to inclusive education for all children. It further recommended ending segregation of Romani children in mainstream ethnically homogenous schools[119], by re-drawing catchment areas and adopting concrete plans of desegregation.[120] JS1 expressed similar concerns and added that geographical areas that schools are supposed to cover, so called catchment areas, are inappropriately divided and a lack of fair and suitable assessment techniques of children's abilities often leads to segregation.[121] The Public Defender of Rights recommended that primary schools abandon unreasonable uniform testing of children upon registration for first grade.[122]

58. JS6 noted that the amended Education Act provides for a system of free support measures for children with special educational needs, defined as those pupils who require additional help to "fulfil their educational opportunities or for the enjoyment or exercise of their rights on an equal basis with others."[123] The amended Education Act "attached" funding to the child rather than the school, thereby eliminating the financial incentive to place a child in a special education school.[124] Notwithstanding, JS6 noted that the Ministry of Education has declined to disseminate clear guidance concerning the new provisions of the amended Education Act, leading to their confused, inconsistent, and in some cases, non-existent implementation.[125] JS6 recommended that detailed guidance be provided to schools and counselling centers on objective standards and fair processes relating to the provision of support measures for pupils with special needs, and ensure that adequate funding is available.[126]

59. JS1 indicated that Roma children and children with disabilities are disproportionately more likely to be placed in institutions. Roma children constitute around 20% of the children aged up to three years who are institutionalised, but are estimated to

make up only 3% of the child population in that age bracket.[127] ERRC highlighted that the majority of children with mental disabilities or multiple disabilities are educated in segregated schooling system.[128] ERRC cited data published by the Ministry of Education that, as of September 2016, only 205 out of 18,000 pupils diagnosed with mild disabilities were transferred to mainstream schools.[129] OSCE/ODIHR published a report: "Equal Access to Quality Education for Roma children: Field Assessment visit to the Czech Republic", which finds that many Roma children are still placed in specialized primary schools for no obvious reason.[130]

4. Rights of specific persons or groups

Women[131]

60. Referring to recommendation 94.81[132], CHC recommended to arrange for the training without delay of all Health Ministry legal personnel and staff involved in supervising reproductive health care how to safeguard the human rights of women and girls seeking gynaecological and obstetrical care, specifically with a view to performance of surgical sterilization or implementation of other contraceptive measures with long-term or permanent effect.[133]

61. Joint Submission 4 (JS4) noted that the implementation of episiotomy in medical facilities in an unjustifiably high percentage of cases persists, about 40% of women giving birth vaginally undergo episiotomy while WHO considers 10 percent justifiable.[134]

62. JS4 regretted that women and their children are not supported in bonding. There is a medically unexplained separation of new-born babies, even despite disapproval of the mother.[135]

Children[136]

63. While there is a clear commitment to end all institutionalisation of children in the National Strategy to Protect Children's Rights, JS1 highlighted that the Act on Social Services and the Act on the Socio-Legal Protection of Children preserve a legal framework that allows for institutionalisation of children.[137]

64. JS1 pointed out that despite the Civil Code prohibiting separation of children from their families solely for social reasons or inadequate housing, in practice these remain the dominant reasons for such separation.[138]

65. JS1 cited research by Lumos that 60% of children with disabilities had been institutionalised without involvement of state social services, but instead through contractual agreement between parents and the institution, adding that these children were generally not under the supervision of the child welfare authority.[139] According to JS1, the possibility to place a child into an institution simply based on a parental decision, is discriminatory and contrary to both the best interests of the child and Czechia's commitment to lower the number of children in institutions.[140]

66. With regard to the new Civil Code, the Public Defender of Rights highlighted the substantial prolongation of court proceedings in cases involving minor children or cases concerning legal capacity.[141]

67. JS1 noted that permission for the removal of a child from the family is most commonly granted through temporary court orders, which in accordance with the Act on Socio-Legal Protection of Children should only be used in exceptional circumstances, and must be issued within 24 hours after the request has been filed with the court by the social welfare authority. A temporary court order can be extended every month for a period up to six months.[142] Placements into an institution are often subsequently used for further

institutionalisation of a child based on a court decision.[143] The Public Defender welcomed that in certain cases the "Cochem Model" based on interdisciplinary co-operation was implemented by the authorities responsible for social and legal protection of children, including district courts.[144]

68. JS1 asserted that specialist services for children with autism or challenging behaviour are inadequate.[145]

Persons with disabilities

69. JS5 noted that the Antidiscrimination Act fails to properly define the concept of reasonable accommodation, denial of which constitutes a form of discrimination according to the Convention on the Rights of Persons with disabilities. It further notes that neither the law nor jurisprudence specifies whether it is the victim who carries the burden of proof on the „reasonableness".[146]

70. JS5 regretted that the Government has failed to take any concrete and targeted steps to ensure the right to living independently and being included in the community.[147]

71. CoE-Commissioner underlined the need to overhaul and transform psychiatric care, particularly by promoting de-institutionalisation, fully protecting persons with disabilities from involuntary hospitalisation through effective judicial review, and preventing and eliminating ill-treatment of persons deprived of their liberty.[148]

Minorities and indigenous peoples[149]

72. CoE-ACFC noted that citizenship still continues to be a requirement for persons belonging to minorities to access protection offered by law.[150]

73. CoE-Committee of Experts strongly urged the authorities to improve tolerance and understanding within society at large towards regional or minority languages, in particular in education and media.[151] The Committee of Ministers on the application of the European Charter for Regional or Minority Languages recommended changing the legislation concerning committees for national minorities; intensifying efforts to promote awareness and tolerance vis-à-vis all regional or minority languages and the cultures they represent; adopting a structured policy for the protection and promotion of German and Romani, and create favourable conditions for their use in public life; making available teaching in or of German as a minority language; offering teaching of Romani in mainstream education.[152]

74. CoE-ECRI noted that, according to various reports, policies regarding Roma have had little effect.[153] CoE-Commissioner called on the government to redouble efforts to combat and eradicate anti-Gypsyism.[154]

Migrants, refugees and asylum seekers and internally displaced persons[155]

75. JS2 noted that the deadline for transposing the EC Procedural Directive has lapsed, according to which an appeal organ in the asylum procedure could directly grant international protection.[156]

76. Recalling recommendation 94.120 supported during the second UPR[157], JS3 noted that, while the numbers of immigration detainees have decreased in 2016 and 2017 as a consequence of changing migration routes, detention is still used as a primary measure of deterrence.[158] Recalling recommendations by the Human Rights Committee urging to ensure that immigration detention is always reasonable, necessary, and proportionate with respect to a person's individual circumstances[159], as well as jurisprudence by the European Court of Human Rights[160] and Court of Justice of the European Union[161], JS3 noted the extensive number of grounds that can lead to immigration detention[162] and that there is no automatic regular judicial review.[163] JS3 noted that between 2015-2017 asylum seekers

tended to be imprisoned in regular prisons after arriving at the Prague international airport. According to the statements of imprisoned asylum seekers, their requests to submit an asylum application at the airport transit zone were ignored or directly rejected.[164] JS3 reported that every detainee (including minors) must pay a daily fee for accommodation and meals.[165]

77. JS3 noted that families with small children were routinely detained in 2015 and 2016, in 2015, 80 percent of them were younger than fifteen years and 40 percent were below the age of six.[166] Citing conclusions of the Ombudsperson that conditions for children in Bělá-Jezová constituted ill-treatment, JS3 noted that the authorities continue detaining families with children at Bělá-Jezová.[167]

78. JS2 reported that asylum seekers arriving at Prague airport transit zone with valid entry documents encountered obstacles to submit their asylum application. The authorities cancelled their valid visas while ignoring or rejecting asylum application requests and attempting their deportations without assessing possible obstacles to return, contrary to the non-refoulement principle.[168] JS3 observed that in practice asylum seekers who arrived at Prague airport transit zone with valid documents had difficulties to submit their asylum claim. The authorities frequently cancelled their valid visas and ignored or rejected asylum application request, preventing asylum seekers from leaving the airport transit zone and attempting their deportations without assessing possible obstacles to return, contrary to the non-refoulement principle.[169]

79. JS2 recommended that the access to visa-point system is secured and ensured that persons applying for visa/permit have real possibility to make an appointment via this system within a reasonable time and that visa/permit applications can also be submitted without visa-point system registration.[170]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
ADF International	ADF International, Geneva (Switzerland);
CHC	The Czech Helsinki Committee, Prague (Czechia);
ERRC	European Roma Rights Centre, Budapest (Hungary);
Global Initiative to End All Corporal Punishment of Children	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
Public Defender of Rights	Public Defender of Rights, Czech Ombudsman, Brno (Czechia).

Joint submissions:

JS1	**Joint submission 1 submitted by:** LUMOS, the Child and Family Association (Asociace Dite a Rodina), Mental Disability Advocacy Centre (MDAC), Forum for Human Rights (FORUM) and the European Roma Rights Centre (ERRC), London (United Kingdom);
JS2	**Joint submission 2 submitted by:** Organization for Aid to Refugees (OPU), Forum for Human Rights (FORUM), Prague (Czechia);
JS3	**Joint submission 3 submitted by:** Global Detention Project, Organization for Aid to Refugees (OPU) and Forum for

	Human Rights (FORUM), Geneva (Switzerland);
JS4	**Joint submission 4 submitted by:** Liga Lidskych Prav, Czech Women's Lobby, Prague (Czechia);
JS5	**Joint submission 5 submitted by:** Mental Disability Advocacy Centre (MDAC) and Forum for Human Rights (FORUM), Prague (Czechia);
JS6	**Joint submission 6 submitted by:** Open Society Justice Initiative (OSJI), New York (USA) and Open Society Fund Prague, Prague (Czechia).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France); **Attachments**: (CoE-Commissioner) Council of Europe Commissioner for Human Rights, Report published on 21 February 2013 following his visit to the Czech Republic from 12 to 15 November 2012, CommDH (2013)1; Letter of 28 February 2014 to the Prime Minister of the Czech Republic, CommHR/HS/sf 006-2013; Letter of 6 October 2015 to the Prime Minister of the Czech Republic, CommHR/HS/sf 070-2015; Letter of 7 October 2016 to the Prime Minister of the Czech Republic, CommHR/NM/sf 042-2016; (CoE-CPT) Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014, CPT/Inf (2015)18; (CoE-ECRI) European Commission against Racism and Intolerance report on the Czech Republic, adopted on 16 June 2015, CRI (2015)35; (CoE-ACFC) Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 4th Opinion adopted on 16 November 2015, ACFC/OP/IV (2015)004; (CoE-Committee of Experts) Committee of Experts on the European Charter for Regional or Minority Languages), Evaluation report on the Czech Republic on 17 June 2015; (Committee of Ministers on the European Charter for Regional or Minority Languages), Recommendations adopted on 1 December 2015; (CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings; (CoE-GRECO) – Group of States against Corruption, Fourth Round Evaluation Repot on the Czech Republic on 2 November 2016.;
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE/ODHIR	Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

[3] For relevant recommendations see A/HRC/22/3, paras. 94.1, 94.2, 94.3, 94.4, 94.5, 94.6, 94.7, 94.8, 94.9, 94.10, 94.11, 94.12, 94.13, 94.14, 94.15, 94.16, 94.17, 94.21, 94.22, 94.29, 94.41.

[4] AI, p. 4.

[5] JS1, para. 36 and p. 9, para. 3(f); JS5, p. 3 and JS6, para. 4.

[6] JS6, para. 4.

[7] JS3, p. 9.

[8] CoE, p. 6.

[9] JS6, para. 8.

[10] CoE, p. 6.

[11] For relevant recommendations see A/HRC/22/3, paras. 94.18, 94.19, 94.20, 94.27, 94.28, 94.29, 94.30, 94.31, 94.32, 94.33, 94.36, 94.37, 94.38, 94.48, 94.49, 94.50, 94.51, 94.52, 94.53, 94.54, 94.60, 94.65, 94.67, 94.71, 94.72, 94.95, 94.96, 94.99, 94.100, 94.101, 94.102, 94.103, 94.104,

94.110, 94.111, 94.113.

[11] See CEDAW/C/CZE/CO/6, para. 11; A/HRC/22/3, para. 94.76 (Norway).

[12] JS1, para. 35 and p.10, recommendation (v); see also JS5, para.3; JS6, paras. 4 and 11.

[13] ERRC, para. 14, similarly JS6, paras. 4 and 11.

[14] JS6, paras. 12 and 13.

[15] EU-FRA, p. 10.

[16] EU-FRA, p. 10.

[17] Public Defender of Rights, para. 9.

[18] Public Defender of Rights, para. 17; see also CoE-ECRI, para. 25.

[19] CoE-ECRI, para. 117.

[20] CoE-ACFC, para. 32 and 34.

[21] CoE-ECRI, para. 24.

[22] JS6, para. 13.

[23] EU-FRA, p. 11.

[24] See A/HRC/22/3, para. 94.32 (Ireland).

[25] JS1, para. 5.

[26] Public Defender of Rights, para. 29.

[27] For relevant recommendations see A/HRC/22/3, paras. 94.23, 94.24, 94.42, 94.48, 94.49, 94.50, 94.51, 94.52, 94.53, 94.54, 94.55, 94.56, 94.57, 94.58, 94.59, 94.60, 94.61, 94.62, 94.63, 94.64, 94.65, 94.66, 94.67, 94.68, 94.69, 94.70, 94.71, 94.72, 94.73, 94.74, 94.75, 94.76, 94.122, 94.123, 94.124, 94.125, 94.128, 94.130.

[28] A/HRC/22/3/Add. 1, para. 7.

[29] AI, p. 1.

[30] CoE-ECRI, para. 10.

[31] CoE-ECRI, para. 123.

[32] OSCE/ODHIR, p. 4.

[33] CoE-ECRI, para. 29 and 36; see also CoE-ACFC, para. 54.

[34] CoE-ECRI, para. 29 and 36.

[35] CoE-ACFC 4th Opinion, para. 5.

[36] CoE, p. 2.

[37] CoE, p. 3; CoE-ACFC, 4th Opinion, para. 5.

[38] AI, p. 1, 2 and 3.

[39] AI, p. 5.

[40] Public Defender of Rights, para. 11 and 12; see also JS6, para. 10, citing the report of the Office of the Public Defender of Rights, "Discrimination in the Czech Republic: Victims of discrimination and obstacles hindering their access to justice (2015), paras. 88-98.

[41] CoE-ECRI, para. 28.

[42] Public Defender of Rights, para. 24.

[43] For relevant recommendations see A/HRC/22/3, paras. 94.77, 94.126.

[44] JS5, paras. 6 and 7.

[45] CoE-CPT, para. 14.

[46] CoE-CPT, paras. 22, 86 and 143.

[47] CoE-CPT, para. 171; see also paras. 169 and 170; see also CoE, p. 7 on the Execution of judgments and decisions of the European Court of Human Rights, Bures case (Application No. 37679/08).

[48] JS5, paras. 8 and 18.

[49] JS5, para. 9.

[50] CHC, para. 12.

[51] CoE-CPT, para. 184; see also paras. 181 to 183.

[52] Public Defender of Rights, para. 26; see also ERRC, para. 14.

[53] CHC, para. 8.

[54] CHC, p. 1; see A/HRC/22/3, para. 94.80 (Greece).

[55] CHC, para. 1.

[56] CoE, p. 5.

[57] ERRC, para. 11; see also Public Defender of Rights, para. 26; JS4, para.3 and p. 5.

[58] ERRC, para. 14.

[59] ERRC, para. 24 ii and iii.

[60] Global Initiative to End All Corporal Punishment of Children, para. 1.1; see A/HRC/22/3, paras.94.89 (Lichtenstein), 94.90 (Hungary), see also A/HRC/22/3/Add.1, para. 4.
[61] Global Initiative to End All Corporal Punishment of Children, para. 1.2 and 2, see also EU-FRA, p. 9; The Czech Republic and the European Social Charter, p. 5, Association for the protection of all children (APPROACH) ltd. V. the Czech Republic (Complaint No. 96/2013) finding a violation of article 17 of the 1961 European Social Charter.
[62] Public Defender of Rights, para. 27.
[63] CoE, p. 2 and 4, see also CoE-ECRI, para. 120, CoE-ACFC, para. 59.
[64] For relevant recommendations see A/HRC/22/3, paras. 94.40, 94.78, 94.79.
[65] Public Defender of Rights, para. 23, similarly CHC, paras. 14 to 16.
[66] CHC, para. 21.
[67] CoE-CPT, para. 70.
[68] CoE-CPT, paras. 16, 78, 121 and 161.
[69] CHC, para. 25.
[70] JS1, para. 32.
[71] JS1, para. 33.
[72] CoE-Committee of Experts, para. 143.
[73] CoE, p. 7.
[74] For relevant recommendations see A/HRC/22/3, paras. 94.43, 94.44, 94.134.
[75] EU-FRA, p. 20.
[76] OSCE/ODHIR, p. 2.
[77] OSCE/ODHIR, p. 2 and 3.
[78] CoE, p. 7.
[79] CoE-ECRI, para. 55.
[80] JS5, para.12.
[81] EU-FRA, p. 29.
[82] ADF International, para. 11.
[83] For relevant recommendations see A/HRC/22/3, paras. 94.24, 94.92.
[84] Public Defender of Rights, para. 21, see also the Czech Republic and European Social Charter, p. 4 on article 1 of the 1988 Additional Protocol – Right to equal opportunities and treatment in employment and occupation without sex discrimination.
[85] Public Defender of Rights, para. 22, see also the Czech Republic and European Social Charter, p. 5 on article 8, paragraph 2 of the European Social Charter.
[86] EU-FRA, p. 5 and 6.
[87] CoE-ECRI, para. 84.
[88] EU-FRA, p. 18.
[89] For relevant recommendations see A/HRC/22/3, paras. 94.24, 94.93.
[90] JS1, para. 9, see also CoE-ECRI, para. 112.
[91] JS1, para. 37 (e).
[92] Public Defender of Rights, para. 19.
[93] EU-FRA, p. 8.
[94] ERRC, para. 17.
[95] ERRC, para. 25 (iii and v), see also European Roma and Traveller Forum (ERTF) v. the Czech Republic (Complaint No. 104/2014), finding a violation of article 16 of the European Social Charter.
[96] CoE-ECRI, paras. 85 and 110.
[97] CoE-ECRI, paras 113 and 114, see also CoE-ACFC, paras. 6 and 15.
[98] Public Defender of Rights, para. 18, see also ERRC, para. 19.
[99] For relevant recommendation see A/HRC/22/3, para. 94.94.
[100] CHC, p.3; see A/HRC/22/3, para. 94.94 (Paraguay).
[101] CHC, para. 11.
[102] EU-FRA, p. 19.
[103] See European Roma and Traveller Forum (ERTF) v. the Czech Republic (Complaint No. 104/2014), finding a violation of article 11 of the European Social Charter, para. 119.
[104] JS2, para. 1, see also CEDAW/C/CZE/CO/6, para. 33; E/C.12/CZE/CO/2, para. 15.
[105] For relevant recommendations see A/HRC/22/3, paras. 94.95, 94.96, 94.97, 94.98, 94.99, 94.100, 94.101, 94.102, 94.103, 94.104, 94.105, 94.106, 94.107, 94.108, 94.109, 94.110, 94.111, 94.112.

94.113, 94.114, 94.115.

[106] AI, p. 4.

[107] EU-FRA, p. 7, see also AI, p. 2, ERRC, para. 5, CoE-ACFC, para. 11.

[108] AI, p. 2, see also CoE-ECRI, para. 83.

[109] JS6, para. 18.

[110] JS1, para. 8 and Public Defender of Rights, para. 20.

[111] See A/HRC/22/3, paras. 94.95 (Palestine), 94.96 (Canada), 94.98 (Norway), 94.99 (Indonesia), 94.100 (United States of America), 94.102 (Kyrgyzstan), 94.103 (Denmark), 94.104 (Finland), 94.106 (Spain), 94.107 (Mexico), 94.108 (Slovenia), 94.109 (Bangladesh), 94.110 (Australia), 94.111 (Austria), 94.112 (Brazil), 94.113 (United Kingdom of Great Britain and Northern Ireland), 94.114 (Uzbekistan).

[112] JS1, paras. 8 and 28.

[113] EU-FRA, p. 7, JS6, para.7, ERRC, para. 1, see also CoE Commissioner for Human Rights report of 21 February 2013.

[114] JS6, para. 3, citing D.H. and Others v. Czech Republic, see also CHC, paras. 2 and 6.

[115] EU-FRA, p. 14, see also CoE-ACFC, para. 91.

[116] ERRC, paras. 4 and 7.

[117] JS6, paras. 3 and 19.

[118] AI, p. 2, similarly JS6, para. 15.

[119] See also Committee of Experts evaluation report, European Charter for Regional or Minority Languages, para. 97.

[120] ERRC, para. 23, see also AI, p. 4.

[121] JS1, para. 30.

[122] Public Defender of Rights, para. 20.

[123] JS6, para. 15.

[124] JS6, para. 16.

[125] JS6, para. 17.

[126] JS6, para. 4.

[127] JS1, para. 21.

[128] ERRC, para. 3.

[129] ERRC, para. 4.

[130] OSCE/ODHIR, p. 5.

[131] For relevant recommendations see A/HRC/22/3, paras. 94.34, 94.43, 94.44, 94.45, 94.46, 94.47, 94.80, 94.81, 94.82.

[132] CHC, p.1; see A/HRC/22/3, para. 94.81 (South Africa).

[133] CHC, para. 5.

[134] JS4, para. 8.

[135] JS4, para. 11, see also on a related issue CoE, p. 7 on the Execution of judgments and decisions of the European Court of Human Rights, Hanzelkovi case (Application No. 43643/10).

[136] For relevant recommendations see A/HRC/22/3, paras. 94.3, 94.25, 94.35, 94.36, 94.37, 94.38, 94.39, 94.85, 94.86, 94.87, 94.88, 94.89, 94.90, 94.91.

[137] JS1, para. 6.

[138] JS1, para. 12, see also Public Defender of Rights, para. 13.

[139] JS1, para. 23.

[140] JS1, para. 25.

[141] Public Defender of Rights, para. 14.

[142] JS1, para. 17.

[143] JS1, para. 19.

[144] Public Defender of Rights, para. 16.

[145] JS1, para. 15.

[146] JS5, para. 4.

[147] JS5, para.16.

[148] CoE, p.2 and 3.

[149] For relevant recommendations see A/HRC/22/3, paras. 94.33, 94.40, 94.73, 94.115, 94.121, 94.122, 94.123, 94.125, 94.127, 94.128, 94.129, 94.130, 94.131, 94.132, 94.133, 94.134, 94.135.

[150] CoE-ACFC, para. 18.

[151] CoE-Committee of Experts, para. 111.
[152] Recommendation CM/RecChl. (2015)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Czech Republic.
[153] Coe-ECRI, para. 79.
[154] CoE, p.4.
[155] For relevant recommendations see A/HRC/22/3, paras. 94.115, 94.116, 94.117, 94.118, 94.119, 94.120.
[156] JS2, para. 9.
[157] See A/HRC/22/3, para. 94.120 (Uzbekistan).
[158] JS3, p. 2, see also AI, p. 4.
[159] See CCPR/C/CZE/CO/3, para. 17.
[160] See 30241/11, Bunshvili v. the Czech Republic.
[161] C-528/15, Al Chodor and others.
[162] JS3, p. 2.
[163] JS3, p. 3.
[164] JS3, p. 5, see also AI, p. 4.
[165] JS3, p. 6.
[166] JS3, p. 4.
[167] JS3, p. 7, similarly AI, p. 4, see also CoE-CPT, p. 2.
[168] JS2, para. 6.
[169] JS3, p. 7.
[170] JS2, para. 13.